

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA ex rel.
CORI RIGSBY and KERRI RIGSBY

RELATORS/COUNTER-DEFENDANTS

v.

CASE NO. 1:06cv433-HSO-RHW

STATE FARM FIRE AND CASUALTY COMPANY DEFENDANT/COUNTER-PLAINTIFF

**STATE FARM'S RESPONSE TO RELATORS' [1350] MOTION FOR LEAVE TO FILE
EXHIBITS UNDER SEAL**

Defendant/Counter-Plaintiff State Farm Fire and Casualty Company ("State Farm")

submits this Response to Relators' [1350] Motion for Leave to File Exhibits Under Seal. State Farm would show:¹

1. Relators [1350] Motion seeks leave to file Exhibits J through P to their [1348] Motion to Compel under seal. Relators' [1350] Motion states that sealing is requested due to the fact that the claims files excerpts at issue have each been designated as "Protected Information" by State Farm under the Court's [406] Consent Protective Order.

2. State Farm agrees with Relators that Exhibits J through P to their [1348] Motion to Compel should be sealed in the record.

3. Among other things, State Farm's Privacy Policy, contract rights in some instances, and common law privacy rights protect the privacy of certain information concerning State Farm's policyholders.

4. In addition, the federal Gramm-Leach-Bliley Act, and Mississippi Department of Insurance regulations, including Miss. Dept. Ins. Reg. 2001-1 (NAIC model 672), protect the privacy of certain information concerning State Farm's policyholders, with admittedly some

¹ Due to the straightforward nature of this motion, State Farm requests the Court to waive Miss. Unif. Civ. L. R. 7(b)(4)'s requirement of a separate memorandum of authorities.

exceptions. State Farm recognizes that “[b]oth the Gramm-Leach-Bliley Act (GLBA) and Mississippi Department of Insurance Regulation 2001-1 contain substantively similar provisions that authorize production, without notice, of non-public personal information to respond to judicial process.” ([1276] at 2.) However, if these particular persons and properties from the in camera list are not ultimately placed in issue, then there could be a dispute as to whether there was a legitimate basis for disclosing their information publicly, thus justifying sealing these exhibits at this time.

5. For these reasons, State Farm designated the claims files excerpts at issue as “Protected Information” under the Court’s [406] Consent Protective Order.

WHEREFORE, PREMISES CONSIDERED, State Farm respectfully requests the Court to grant Relators leave to file Exhibits J through P to their [1348] Motion to Compel under seal. State Farm also seeks such further, supplemental or alternative relief as may be appropriate in the premises.

This the 6th day of February, 2018.

Respectfully submitted,

STATE FARM FIRE AND CASUALTY COMPANY

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CERTIFICATE OF SERVICE

I, E. Barney Robinson III, one of the attorneys for State Farm Fire and Casualty Company, do hereby certify that I have this day caused a true and correct copy of the foregoing instrument to be delivered to the following via the means indicated by CM/ECF:

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THIS the 6th day of February 2018.

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